

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

RICHARD P. GREENBERG, M.D.

Holder of License No. 13656
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-04-0427A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Richard P. Greenberg, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

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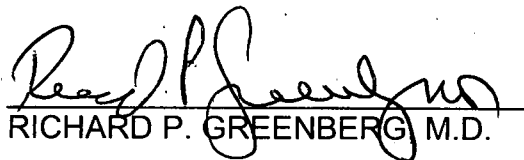
ARIZONA MEDICAL BOARD
BUSINESS OPERATIONS

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the acceptance of the
5 Consent Agreement. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
13 and effect.

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17 RICHARD P. GREENBERG M.D.

DATED: 3-6-06

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 13656 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-04-0427A after receiving notification of a malpractice settlement involving Respondent's care and treatment of a 36 year-old male patient ("C.S.").

4. On September 17, 1998 C.S. presented to Respondent with complaints of back and leg pain. Respondent diagnosed C.S. with a disc herniation at the L-4-L-5 level.

5. On September 25, 1998 Respondent performed surgery on C.S. without x-ray confirmation of the level of the herniation. Respondent stated he used a C-Arm Fluoroscopy unit prior to surgery that showed the herniation was on the L-4-L-5 level. However, Respondent's operative note does not reflect that an intra-operative x-ray was used to confirm the level of the surgery.

6. C.S. was discharged from routine neurosurgical care on January 06, 1999 with no pain and no complaints.

7. A magnetic resonance imaging (MRI) showed Respondent incorrectly performed surgery on the L-3-L-4 level when the procedure should have been performed on the L-4-L-5 level.

8. C.S. required subsequent surgical procedures to correct the problem.

9. The standard of care required Respondent to appropriately diagnose the level of the nerve root comparison both clinically and radiographically before proceeding with surgery.

10. Respondent deviated from the standard of care because he did not radiographically confirm the level of nerve root compression before proceeding with surgery.

11. C.S. was harmed because Respondent performed the surgical procedure on the wrong site and C.S. required subsequent surgical procedures.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(q) – (“[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.”).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(II) – (“[c]onduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.”).

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for performing a wrong site surgery.

2. This Order is the final disposition of case number MD-04-0427A.

DATED AND EFFECTIVE this 6th day of April, 2006.

(SEAL)



ARIZONA MEDICAL BOARD

By 
TIMOTHY C. MILLER, J.D.
Executive Director

1 ORIGINAL of the foregoing filed this
2 7th day of April, 2006 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 7th day of April, 2006 to:

8 Richard P. Greenberg, M.D.
9 Address of Record

10 *Jim Moran*

11 Investigational Review
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